PATENT COOPERATION TREATY

•	From the INTERNATIONAL BUREAU
PCT	То:
NOTIFICATION OF ELECTION (PCT Rule 61.2)	Assistant Commissioner for Patents United States Patent and Trademark Office Box PCT Washington, D.C.20231 ETATS-UNIS D'AMERIQUE
Date of mailing (day/month/year) 23 August 2000 (23.08.00)	in its capacity as elected Office
International application No. PCT/US99/29914	Applicant's or agent's file reference 342312003740
International filing date (day/month/year) 15 December 1999 (15.12.99)	Priority date (day/month/year) 16 December 1998 (16.12.98)
Applicant RODRIGUEZ, John, Michael et al	10 December 1000 (10.112.00)
1. The designated Office is hereby notified of its election made X in the demand filed with the International Preliminary 14 July 2000 (date or, where Rule 32 applies, within the time limit under
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Manu Berrod
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

Form PCT/IB/331 (July 1992)

US9929914

From the INTERNATIONAL SEARCHING AUTHORITY

MORRISON & FOERSTER LLP

Attn. LEHNHARDT, Susan K. 1290 Avenue of the Americas New York. New York 10104-0012

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

UNITED STATES OF AMERICA	(PCT Rule 44.1)
	Date of mailing (day/month/year) 31/03/2000
Applicant's or agent's file reference	
342312003740	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No.	International filing date
PCT/US 99/29914	(day/month/year) 15/12/1999
Applicant	
ELI LILLY AND COMPANY et al.	
1. X The applicant is hereby notified that the International Search	Report has been established and is transmitted herewith.
Filing of amendments and statement under Article 19: The applicant is entitled, if he so wishes, to amend the claim	
When? The time limit for filing such amendments is norma International Search Report; however, for more de	ally 2 months from the date of transmittal of the tails, see the notes on the accompanying sheet.
Where? Directly to the International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Fascimile No.: (41–22) 740.14.35	
For more detailed instructions, see the notes on the account	mpanying sheet.
2. The applicant is hereby notified that no International Search Article 17(2)(a) to that effect is transmitted herewith.	Report will be established and that the declaration under
3. With regard to the protest against payment of (an) addition	nal fee(s) under Rule 40.2, the applicant is notified that:
	n transmitted to the International Bureau together with the test and the decision thereon to the designated Offices.
no decision has been made yet on the protest; the app	licant will be notified as soon as a decision is made.
4. Further action(s): The applicant is reminded of the following:	
Shortly after 18 months from the priority date, the international ap If the applicant wishes to avoid or postpone publication, a notice priority claim, must reach the International Bureau as provided in completion of the technical preparations for international publications	of withdrawal of the international application, or of the n Rules 90 <i>bis.</i> 1 and 90 <i>bis.</i> 3, respectively, before the
Within 19 months from the priority date, a demand for international wishes to postpone the entry into the national phase until 30 mo	
Within 20 months from the priority date, the applicant must perfor before all designated Offices which have not been elected in the priority date or could not be elected because they are not bound	e demand or in a later election within 19 months from the

Name and mailing address of the International Searching Authority

European Patent Office, P.B. 5818 Patentlaan 2

NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016

Véronique Baillou

Authorized officer

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international polication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the international Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been fis filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

ES TO FORM PCT/ISA/220 (continue

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new:
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

- [Where originally there were 48 claims and after amendment of some claims there are 51]:
 "Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers;
 claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
- [Where originally there were 15 claims and after amendment of all claims there are 11]: "Claims 1 to 15 replaced by amended claims 1 to 11."
- [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
 "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
 "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
- 4. [Where various kinds of amendments are made]: "Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international appplication is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

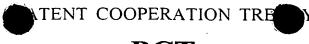
If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

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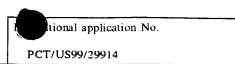
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

L	4
	- 1

Applicant's or agent's file reference 342312003740	FOR FURTHER ACTION		ication of Transmittal of International Examination Report (Form PCT/IPEA/416)
International application No.	International filing date (day/n	ionth/year)	Priority date (day/month/year)
PCT/US99/29914	15 DECEMBER 1999		16 DECEMBER 1998
nternational Patent Classification (IPC IPC(7): C07K 7/56; A61K 38/12;			4/16,18
Applicant ELI LILLY AND COMPANY			······································
	s transmitted to the applicant a		red by this International Preliminary Article 36.
This report is also accor been amended and are t	npanied by ANNEXES, i.e., shee	ets containin	cription, claims and/or drawings which have ag rectifications made before this Authority. Inder the PCT).
These annexes consist of a	total of sheets.		
3. This report contains indication	ons relating to the following it	ems:	
I X Basis of the rep	ort		
II Priority			
	ent of report with regard to no	velty invent	ive step or industrial applicability
	-	verty, mvem	ive step of industrial applicationity
IV Lack of unity of			
citations and expl	lanations supporting such statem		y, inventive step or industrial applicability;
VI Certain documents			
VII Certain defects in	the international application		
VIII Certain observation	ns on the international application	on	
Date of submission of the demand	Date	of completion	of this report
14 JULY 2000	25	FEBRUARY	7 2001
Name and mailing address of the IPEA		rized officer	TERRY J. DEY
Commissioner of Patents and Trade Box PCT Washington, D.C. 20231		ADMA BASK	PARALEGAL SPECIALIS
acsimile No. (703) 305-3230	Telen	hone No. (703) 308-0196 TECHNOLOGY CENTER 10

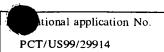
INTERNATIONAL PRELIMINARY EXAMINATION REPORT



I. Basis of the report		
1. With regard to the elements of the internal	tional application:*	
X the international application as		
x the description:	-	
pages1-33		, as originally filed
pagesNONE		, filed with the demand
pagesNONE	, filed with the letter of	
X the claims:		
x the claims: pages34-43		as originally filed
• •	, as amended (together with any	statement) under Article 19
• •		•
	, filed with the letter of	
X the drawings:		
pages		, as originally filed
	, filed with the letter of	
pages	, med with the letter of	
X the sequence listing part of the de	escription:	
pages NONE		, as originally filed
pages NONE	, filed with the letter of	
the language of a translation fur the language of publication of the	mished for the purposes of international search the international application (under Rule 48.3(b) ished for the purposes of international preliminary expenses of international preliminary expenses.	(under Rule 23.1(b)):
- · · · · · · · · · · · · · · · · · · ·	amino acid sequence disclosed in the internation out on the basis of the sequence listing:	al application, the international
_		
filed together with the internation	onal application in computer readable form.	
furnished subsequently to this A	authority in written form.	
furnished subsequently to this A	authority in computer readable form.	
The statement that the subsequent international application as filed h	tly furnished written sequence listing does not go has been furnished.	beyond the disclosure in the
The statement that the information been furnished.	recorded in computer readable form is identical to the	ne writen sequence listing has
4. X The amendments have resulted	in the cancellation of:	
X the description, pages	NONE	
v	NONE	
the claims, Nos.		
X the drawings, sheets/fig		
	ome of) the amendments had not been made, since the	ey have been considered to go
* Replacement sheets which have been furnish	ndicated in the Supplemental Box (Rule 70.2(c)).** thed to the receiving Office in response to an invitation were not annexed to this report since they do not cont	under Article 14 are referred to tain amendments (Rules 70.16

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.





statement			
Novelty (N)	Claims	1-23	Y
	Claims	NONE	N
Inventive Step (IS)	Claims	1-23	Y
	Claims	NONE	N
Industrial Applicability (IA)	Claims		Y
	Claims	NONE	N

PATENT COOPERATION TREATY

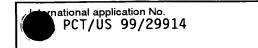
PCT

INTERNATIONAL SEARCH REPORT

(PCT Articl 18 and Rules 43 and 44)

Applicant's or agent's file reference	's file reference FOR FURTHER see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.		
342312003740	ACTION		
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)	
PCT/US 99/29914	15/12/1999	16/12/1998	
Applicant			
ELI LILLY AND COMPANY et	al.		
This International Search Report has bee according to Article 18. A copy is being tra	n prepared by this International Searching Auth ansmitted to the International Bureau.	nority and is transmitted to the applicant	
This International Search Report consists X It is also accompanied by	of a total of sheets. a copy of each prior art document cited in this	report.	
Basis of the report			
	international search was carried out on the bas ess otherwise indicated under this item.	sis of the international application in the	
the international search w Authority (Rule 23.1(b)).	ras carried out on the basis of a translation of t	ne international application furnished to this	
b. With regard to any nucleotide an was carried out on the basis of the		ternational application, the international search	
	onal application in written form.		
	ernational application in computer readable form	n.	
furnished subsequently to	this Authority in written form.	· I	
	this Authority in computer readble form.		
	osequently furnished written sequence listing d is filed has been furnished.	oes not go beyond the disclosure in the	
the statement that the infe furnished	ormation recorded in computer readable form is	s identical to the written sequence listing has been	
2. X Certain claims were fou	nd unsearchable (See Box I).		
3. Unity of invention is lac	king (see Box II).		
4. With regard to the title ,		,	
The text is approved as su	ibmitted by the applicant		
	shed by this Authority to read as follows:		
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
		•	
5. With regard to the abstract ,			
X the text is approved as su	ibmitted by the applicant.		
the text has been establis within one month from the	thed, according to Rule 38.2(b), by this Authorite adate of mailing of this international search rep	ty as it appears in Box III. The applicant may, oort, submit comments to this Authority.	
6. The figure of the drawings to be pub	ished with the abstract is Figure No.	· · · · · · · · · · · · · · · · · · ·	
as suggested by the appl	icant.	X None of the figures.	
because the applicant fai	ed to suggest a figure.		
because this figure better	characterizes the invention.		





B x I Obs rvati ns wh re c rtain claims w re f und uns archabl (C ntinuati n fitem 1 of first sh t)
This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:
1. X Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 8-23 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
B x II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)
This International Searching Authority found multiple inventions in this international application, as follows:
As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
Remark on Protest The additional search fees were accompanied by the applicant's protest.
No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT



A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C07K7/56 A61K38/12 C07H7/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols) IPC $\frac{7}{6}$ C07K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUM	ENTS CONSIDERED TO BE RELEVANT	
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Α	EP 0 744 405 A (LILLY CO ELI) 27 November 1996 (1996-11-27) claims, examples	1-23
A	TURNER, W. W. ET AL: "Recent advances in the medicinal chemistry of antifungal agents" CURR. PHARM. DES. (1996), 2(2), 209-224, 1996, XP002105725 cited in the application whole document, esp. echinocandins on page 212ff, Table 3, page 219 nucleoside peptide antifungals	1-23

X Further documents are listed in the continuation of box C.	χ Patent family members are listed in annex.
 Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filling date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filling date but later than the priority date claimed 	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family
Date of the actual completion of the international search 9 March 2000	Date of mailing of the international search report '3 1, 03. 00
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Kronester-Frei, A

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INTERNATIONAL SEARCH REPORT

Interna	ational	Application No	
	Yus	99/29914	

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT							
Category °	Citation of document, with indication,where appropriate, of the relevant passages	Relevant to claim No.					
Р, Ү	RUISSEN A L A ET AL: "Evaluation of the use of xanthan as vehicle for cationic antifungal peptides" JOURNAL OF CONTROLLED RELEASE, NL, ELSEVIER SCIENCE PUBLISHERS B.V., AMSTERDAM, vol. 60, no. 1, 28 June 1999 (1999-06-28), pages 49-56, XP004170490 ISSN: 0168-3659 abstract, pages 52 and 53	1-23					
Ρ,Υ	EP 0 943 623 A (LILLY CO ELI) 22 September 1999 (1999-09-22) claims, examples	1-23					

INTERNATIONAL SEARCH REPORT

Information on patent family members

	US 99/29914				
amily er(s)	Publication date				

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
EP 0744405	Α	27-11-1996	AU	5799196 A	11-12-1996
			CA	2220728 A	28-11-1996
			JP	11505845 T	25-05-1999
			WO	9637510 A	28-11-1996
			US	5652213 A	29-07-1997
EP 0943623	A	22-09-1999	 AU	2686099 A	 15-09-1999
			WO	9943337 A	02-09-1999